

Record of Determination for an interim public use limitation  
restricting Segways, motorized skateboards and motorized scooters from all of the George Washington  
Memorial Parkway

Pursuant to 36 C.F.R. §§ 1.5(a), 4.10(a) the National Park Service is imposing an interim restriction on the use of Segways, motorized skateboards and motorized scooters from all of the George Washington Memorial Parkway, which is located within Virginia, Maryland and Washington, D.C., including all of its park areas, sidewalks, trails and roads. Violation is prohibited and subject to citation.

The Segway, a unique and new mode of personal transportation, is a motorized two-wheeled vehicle with a maximum speed of up to 12.5 miles per hour. Weighing up to 83 pounds, the Segway is operated by a single individual from a standing position and has not been designed, tested or approved as a medical device. Given its design, the Segway falls within the National Park Service's definition of a motor vehicle under 36 C.F.R. § 1.4; and therefore, operating a Segway on Federal parkland is already prohibited under 36 C.F.R. § 4.10(a) except on park roads, parking areas, and designated routes and areas. Motorized skateboards and motorized scooters also fall into the definition of a motor vehicle and are already prohibited from park roads and trails. Motorized skateboards are defined as any tandem-wheeled device powered by a gas or electric motor that has a skateboard-type deck that is designed to be stood or equipped with a seat by the operator.

No such designated routes or areas for Segways, motorized skateboards or scooters exist within the George Washington Memorial Parkway under 36 C.F.R. § 1.4. Further, the National Park Service does not believe that it is appropriate without further analysis for Segways, motorized skateboards or scooters to operate on the park roads or parking areas within the George Washington Memorial Parkway. The authorized speed limits on the parkway are between 35 mph and 50 mph and the Segway, motorized skateboards and scooters would create a vehicular traffic hazard with a maximum speed varying between 12.5 – 25 miles per hour. In addition, Segways are not licensed as vehicles in the States of Virginia or Maryland or in the District of Columbia. Virginia law provides that localities are authorized to license electric personal assistive mobility devices.

This interim public use limitation is based upon the lack of objective data on operational safety and transportation mode interaction associated with these technologies as well as concerns on how these technologies impact park visitors, park resources and memorials. Consistent with many other jurisdictions, this limitation is necessary to ensure public safety, since the unrestricted use of such devices on park roads or parking areas has been generally identified as potentially unsafe. Indeed, the Segway Reader's Guide states that the Segway "is not intended or recommended for primary use on streets or roads." Lesser use restrictions will not suffice due to these safety issues, its potential impact on park visitors and park resources, and the volume and speed of motor vehicle traffic and parking in the George Washington Memorial Parkway.

Pursuant to D.C. Code Ann. § 10-104 (2001), Federal parkland in the District of Columbia is under the management control and control of the National Park Service, and activities on Federal parkland are subject to its laws and regulations. Nevertheless, District of Columbia law already limits Segways in areas under its jurisdiction. Specifically, D.C. Law 14-235--which will expire October 1, 2005--allows the D.C. Mayor to promulgate regulations allowing Segways that are defined as "electric personal assistive mobility devices," but with age and operational restrictions, including a prohibition against their use on sidewalks within the District of Columbia's Central Business District unless expressly designated by Order of the Mayor.

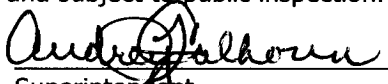
Pursuant to Virginia Code Ann. § 46.2-100 (2002), an "electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to fifteen miles per hour or less. For purposes of Chapter 8 of this title, an electric personal assistive mobility device shall be a vehicle when operated on a highway. Virginia Code Ann. § 46.2-904 permits the governing body of any county, city, or town to prohibit the use of electric personal assistive mobility devices on designated sidewalks, crosswalks or shared-use paths.

Pursuant to Maryland Code Ann. § 21-101, an "electric personal assistive mobility device" is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, has a maximum speed capability of 15 miles per hour and is designed to transport one person. Maryland Code Ann. § 21-1205.1 prohibits the use of a electric personal assistive mobility device on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles per hour.

Pursuant to 36 C.F.R. § 1.5(b), publication of this interim restriction as rulemaking in the Federal Register is unwarranted. With a limited number of Segways and motorized skateboards and scooters beginning to be seen in Virginia, Maryland and Washington, D.C., this public use limitation will allow us to continue to preserve the parks' natural, aesthetic or cultural values and is not of a highly controversial nature. This is also consistent with hundreds of past public use limitations or park closures, the legal opinion of the Office of the Solicitor, and past judicial adjudications. See e.g. Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994), aff'd and vacated in part w/o op. 56 F.3d 1531 (D.C. Cir. 1995), reported in full, 1995 US App. LEXIS 15200 (D.C. Cir. May 31, 1995); Picciotto v. United States, No. 99-2113 (D.D.C.); Picciotto v. United States, No. 94-1935 (D.D.C.); Picciotto v. Lujan, No. 90-1261 (D.D.C.); Picciotto v. Hodel, No. 87-3290 (D.D.C.); Mahoney v. Norton, No.02-1715 (D.D.C.), plaintiffs' emergency motion for injunction pending appeal denied Mahoney v. Norton, No.02-5275 (D.C.Cir.)(per curiam).

Pursuant to 36 C.F.R. § 1.7, notice of this public use limitation will be made through notices available at the park headquarters, through media advisories, park handouts, and by notifying any Segway rental companies operating in Virginia, Maryland and Washington, D.C. that they advise their customers. Pursuant to 36 C.F.R. § 1.5(b), this determination is available to the public upon request.

Finally, the National Park Service welcomes the input of the public and any interested parties regarding this interim restriction and will accept written submissions that are addressed to Superintendent Audrey F. Calhoun, George Washington Memorial Parkway, C/O Turkey Run Park, McLean, Virginia 22101, which will be open and subject to public inspection.

 9/28/05  
Superintendent Date  
George Washington Memorial Parkway